

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FREDREKA M BOYKIN,)	Case No.: 1:17 CV 235
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant)	<u>ORDER</u>

On February 6, 2017, Plaintiff Fredreka M. Boykin (“Boykin”) filed a Complaint against the Commissioner of the Social Security Administration (“Defendant” or “Commissioner”), challenging the denial of her application for Disability Insurance Benefits under the Social Security Act, 42 U.S.C. §§ 416(i), 423. (Compl., ECF No. 1, at 1; R. & R., ECF No. 4, at 1.) That same day, Plaintiff filed a Motion to Proceed in Forma Pauperis (ECF No. 2).

Also on February 6, 2017, this matter was referred to Magistrate Judge Jonathan D. Greenberg (“Judge Greenberg”), pursuant to Local Rule 72.2. On February 8, 2017, Judge Greenberg issued a Report and Recommendation (“R. & R.”), recommending that the court deny Plaintiff’s Motion to Proceed in Forma Pauperis because she reported earning \$490.00 more dollars per month in gross income than she paid in expenses. (R. & R., ECF No. 4, at 1.) On March 16, 2017, this court adopted Judge Greenberg’s R. & R., and ordered Plaintiff to pay the filing fee within fourteen days. (ECF No. 5.)

On May 4, 2017, because Plaintiff had not paid the filing fee, Judge Greenberg issued a

Second Report and Recommendation (“Second R. & R.”), recommending that the court dismiss Plaintiff’s matter without prejudice for failure to pay the filing fee.

As of the date of this Order, Plaintiff has not filed objections to the Second R.& R., which were due on May 18, 2017. By failing to do so, she has waived the right to appeal the Magistrate Judge’s recommendation. *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Additionally, Plaintiff has still not paid the required filing fee for her matter to proceed.

The court finds, after careful review of the Magistrate Judge’s Second R. & R., and all other relevant documents in the record, that the Magistrate Judge’s conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own the Magistrate Judge’s Second Report and Recommendation (ECF No. 6.)

Consequently, the case is dismissed for failure to pay the required filing fee.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
CHIEF JUDGE
UNITED STATES DISTRICT COURT

May 22, 2017